

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BENEDICT ROTUNDO, JR.,

Plaintiff,

vs

6:09-CV-1262

VILLAGE OF YORKVILLE, NEW YORK; and  
BRUNO A. PETRUCCIONE, in His Individual  
Capacity as Mayor of the Village of Yorkville,  
New York,

Defendants.

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APPEARANCES:

OF COUNSEL:

A.J. BOSMAN, ESQ.  
Attorney for Plaintiff  
6599 Martin Street  
Rome, New York 13440

CARTER, CONBOY, CASE,  
BLACKMORE, MALONEY & LAIRD, P.C.  
Attorneys for Defendants  
20 Corporate Woods Boulevard  
Albany, New York 12211

MICHAEL J. MURPHY, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff has moved by Order to Show Cause seeking a preliminary injunction for reinstatement as a police officer for the defendant Village of Yorkville. Defendants oppose.

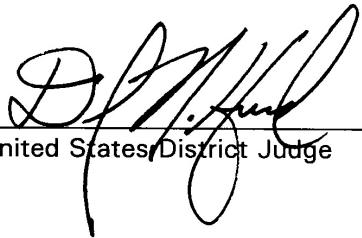
Oral argument was heard on December 4, 2009, in Utica, New York. A decision from the bench was made denying reinstatement at this time because plaintiff failed to

demonstrate the absolute requirement that he will suffer irreparable harm if a preliminary injunction is not granted.

Therefore, it is

ORDERED, that the Order to Show Cause for a preliminary injunction is DENIED.

IT IS SO ORDERED.

  
United States District Judge

Dated: December 4, 2009  
Utica, New York.